

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2007 JAN 17 AM 11:04

CLERK *M. James*
SO. DIST. OF GA.

IVORY JOSEPH SIMMONS,

Plaintiff,

v.

CIVIL ACTION NO.: CV506-091

TONY TANNER, Police Chief; TERESA
GRANT, Detective; Officer CODY G.
CARTER; Sgt. ARVIE D. DYAL;
Sgt. ROBERT H. BOYETT; T. LUCAS;
Officer HUNT; Officer CASWELL,
and Officer R. DAVIS,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's recommendation that Plaintiff's First Amendment claim, his Equal Protection claim, and his claims against Defendants Tanner, Boyett, Hunt, and Davis be dismissed.¹ Plaintiff has filed Objections, in which he reasserts the several factual contentions of his Complaint and recounts his claims of constitutional violations by members of the Waycross Police Department. Plaintiff contends that his arresting officers were "very unprofessional," "aggressive," and arrested him "because of the race and color of Plaintiff's skin." (Doc. No. 7, pp. 1, 3).


As the Magistrate Judge correctly reported, Plaintiff has failed to state any constitutional claim upon which relief may be granted. Plaintiff's conclusory allegations that he was arrested by officers with discriminatory motives are insufficient to state a claim of

¹ Plaintiff's remaining claims are addressed by an Order dated November 28, 2006 (Doc. No. 6).

selective enforcement under the Fourteenth Amendment. Likewise, Plaintiff has stated no set of facts that would entitle him to relief for any First Amendment violation. Finally, Plaintiff's Complaint made no factual allegations against Chief Tanner, Sergeant Boyett, Officer Hunt, or Officer Davis, and Plaintiff does not correct this failure in his Objections.

Plaintiff's Objections are without merit. Plaintiff's First Amendment claim, his Equal Protection claim, and his claims against Defendants Tanner, Boyett, Hunt, and Davis are hereby **DISMISSED**.

SO ORDERED, this 17th day of JANUARY, 2007.


WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA